

AMENDED IN SENATE MAY 2, 2002

AMENDED IN SENATE APRIL 4, 2002

SENATE BILL

No. 2085

**Introduced by Committee on Revenue and Taxation (Senators
Scott (Chair), Alpert, Bowen, and Burton)**

March 4, 2002

An act to amend Sections 2152, 2152.5, 2605, ~~2635~~, 2921.5, ~~3007~~,
~~and 3795.5 of, and to add Section 2910.2 to, the~~ *and 3795.5 of the*
Revenue and Taxation Code, relating to taxation.

LEGISLATIVE COUNSEL'S DIGEST

SB 2085, as amended, Committee on Revenue and Taxation. Property taxation.

Existing property tax law requires the computation of property taxes to be in dollars and cents, but rejecting fractions of a cent. Existing law generally provides that secured roll property taxes are due and payable in 2 installments, also calculated in dollars and cents.

This bill would require local tax officials to determine amounts of tax by rounding off the total amount of the tax due into an amount of whole dollars that, when divided in half, will result only in dollars.

~~Existing law requires the tax collector to send a notice of overpayment to a taxpayer when the amount of the taxes paid exceeds the amount due by more than \$10.~~

~~This bill would require the tax collector to send the notice of overpayment to the taxpayer only if a refund is not sent to the taxpayer.~~

~~Existing property tax law provides procedures for the collection of taxes on the unsecured roll.~~

~~This bill would permit the auditor-controller or the tax collector to utilize a bill for unsecured taxes when collecting an amount erroneously refunded to any person.~~

Existing property tax law provides that a delinquent penalty does not attach to taxes as a result of a public agency acquisition, unless the delinquent penalty was on the property at the time of acquisition.

This bill would remove this condition on the attachment of a delinquent penalty.

Existing property tax law generally authorizes a county tax collector to sell tax-defaulted property 5 years or more after that property has become tax defaulted, and also authorizes a public agency, as provided, or a nonprofit organization, making certain written statements regarding the rehabilitation and use of property for low-income persons, to file a written objection to a proposed sale of tax-defaulted property. Existing law imposes various conditions on a nonprofit organization that objects to the sale of the tax-defaulted property, one of which is that the nonprofit organization obtain a certificate of consistency with a consolidated plan approved by the Department of Housing and Community Development.

This bill would remove that condition.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 2152 of the Revenue and Taxation Code
- 2 is amended to read:
- 3 2152. The auditor shall then:
- 4 (a) Compute and enter in a separate column on the roll the sum
- 5 in dollars, to be paid as a tax on each property listed, to be
- 6 determined by rounding off the raw sum calculated to the closest
- 7 dollar amount, rejecting cents, that will result in dollars only when
- 8 divided in half. Notwithstanding any contrary provisions
- 9 elsewhere set forth in the law, all rates applicable to any assessment
- 10 may be combined into a single figure for purposes of computation
- 11 and extension of the roll.
- 12 (b) Place in other columns the respective amounts due in
- 13 installments.
- 14 (c) Foot each column, showing the totals.



1 Provided, however, that if the assessment roll is a
2 machine-prepared roll the above prescribed computations and
3 entries may be made and entered upon a newly prepared roll which
4 shall incorporate the adjustments authorized by the local board of
5 equalization.

6 SEC. 2. Section 2152.5 of the Revenue and Taxation Code is
7 amended to read:

8 2152.5. Notwithstanding the provisions of any other law of
9 this state, if so ordered by resolution of the board of supervisors
10 of any county, adopted prior to the time the county auditor is
11 required to compute and enter on the secured roll the respective
12 amounts due in installments as taxes for the assessment year in
13 which the resolution shall become effective, the county auditor
14 shall reject any cents and round off the amount to the closest dollar
15 in the computation of taxes on any assessment and in the extension
16 of taxes, special assessments or charges on the county assessment
17 roll for any other public agency. The provisions of this section
18 shall continue in effect in the county until otherwise ordered by
19 resolution of the board of supervisors.

20 SEC. 3. Section 2605 of the Revenue and Taxation Code is
21 amended to read:

22 2605. The following taxes on the secured roll are due and
23 payable November 1:

24 (a) All taxes on personal property.

25 (b) Half the taxes on real property.

26 ~~SEC. 4. Section 2635 of the Revenue and Taxation Code is~~
27 ~~amended to read:~~

28 ~~2635. When the amount of taxes paid exceeds the amount due~~
29 ~~by more than ten dollars (\$10), if a refund is not sent to the taxpayer~~
30 ~~the tax collector shall send notice of the overpayment to the~~
31 ~~taxpayer. If the notice is sent, it shall be mailed to the taxpayer's~~
32 ~~last known address and shall state the amount of overpayment and~~
33 ~~that a refund claim may be filed pursuant to Chapter 5~~
34 ~~(commencing with Section 5096) of Part 9.~~

35 ~~SEC. 5. Section 2910.2 is added to the Revenue and Taxation~~
36 ~~Code, to read:~~

37 ~~2910.2. The auditor-controller or tax collector may mail or~~
38 ~~electronically transmit an unsecured tax bill for the amount of a tax~~
39 ~~refund erroneously made to any person. Failure to receive a tax bill~~

1 ~~does not relieve the lien of taxes, nor does it prevent the imposition~~
2 ~~of penalties imposed by this code.~~

3 ~~SEC. 6.—~~

4 *SEC. 4.* Section 2921.5 of the Revenue and Taxation Code is
5 amended to read:

6 2921.5. Taxes, penalties, and costs on unsecured property as
7 defined in subdivision (b) of Section 134, shall be transferred from
8 the “secured roll” to the “unsecured roll” of the corresponding
9 year by the county auditor on order of the board of supervisors with
10 the written consent of the county legal advisor pursuant to Article
11 5 (commencing with Section 5081) of Chapter 4 of Part 9 at the
12 same time the taxes are canceled on the property, and shall be
13 collected in the same manner as other delinquent taxes on the
14 “unsecured roll.” Amounts transferred pursuant to this
15 subdivision shall continue to be subject to delinquent penalties
16 until the amounts are paid, and are collectible from either the
17 person from whom the property was acquired or the public entity
18 that acquired the property.

19 ~~SEC. 7.— Section 3007 of the Revenue and Taxation Code is~~
20 ~~amended to read:~~

21 ~~3007.— Civil actions for delinquent taxes or assessments~~
22 ~~pursuant to Section 3003 shall be commenced within five years of~~
23 ~~the date upon which unsecured taxes became delinquent. The~~
24 ~~limitation period of this section shall be tolled for any and all~~
25 ~~periods during which a civil action described by this section is~~
26 ~~prohibited by federal bankruptcy laws or rules, or by a court order.~~

27 ~~SEC. 8.—~~

28 *SEC. 5.* Section 3795.5 of the Revenue and Taxation Code is
29 amended to read:

30 3795.5. In the case of an agreement involving a nonprofit
31 organization, the board of supervisors may establish conditions of
32 sale, including reporting, to assure the completion of rehabilitation
33 within a reasonable time and maximum benefit to low-income
34 persons. These conditions shall include, but are not limited to, the
35 following:

36 (a) Requiring compliance with a jurisdiction’s consolidated
37 plan or a community development plan.

1 (b) Articles of incorporation filed with the Secretary of State,
2 stating that the organization is incorporated for the purposes
3 specified in subdivision (b) of Section 3772.5.

O

